

EXHIBIT 'E'

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1 Q. And now that you say that --

2 A. When I got burned I was scheduled to go to
3 Philadelphia.

4 Q. It was supposed to go to Philadelphia?

5 A. Yeah.

6 Q. So now you're remembering another load that
7 was supposed to go to the farm?

8 MR. DILLON: Objection to the form,
9 leading.

10 BY MR. HARRIS:

11 Q. I'm trying to clarify your testimony.

12 A. No, I might have pulled two loads out of
13 there. One was set to go to the farm and the second
14 one was supposed to go to Philly, and I had to pull out
15 of there because of the leak in the trailer.

16 Q. The Norristown, the outside Norristown place
17 that we talked about a few minutes ago, I don't
18 remember if I asked you how many times you went there.

19 A. I don't recall. Not that many.

20 Q. By "not that many", we mean less than ten?

21 A. Yes.

22 Q. Less than five?

23 A. Let's say less than ten, let's keep it at
24 ten.

25 Q. You're comfortable with less than ten?

1 box truck.

2 BY MR. HARRIS:

3 Q. Again --

4 A. Twenty.

5 Q. Again, we don't want a guess.

6 MS. FLAX: I'm going to object to this
7 whole line of questioning. Ask him a question, don't
8 ask him a question that tells him the answer.

9 MR. HARRIS: Which answer did I tell him
10 that time?

11 MS. FLAX: She can read back the last
12 five questions that you've done it. Ask him a
13 question, don't put words in his mouth and let's see
14 what he remembers.

15 If he doesn't remember anything, then
16 that's his testimony. It's not a guessing game. And
17 you've done it with a lot of less than ten, more than
18 20, 20. It's not a guessing game.

19 MR. HARRIS: You should get used to that
20 because you're going to hear a lot of less than ten,
21 more than 20. That's absolute legitimate questioning,
22 I will continue it. If you want to call a judge and
23 try to get him to stop me from doing it, you're free to
24 do it.

25 But I'm going to test this witness'

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1 A. Yeah, I think.

2 Q. What kind of pick-up was that, was that bulk
3 or drums?

4 A. That was drums.

5 Q. What kind of truck did you drive on those
6 trips?

7 A. It could have been a box van, box truck.

8 Q. By "box truck", is it a straight truck?

9 A. Straight truck, yes.

10 Q. Stakes on the side or, you know, sides on
11 it?

12 A. Yeah, either stake body or it was a rental,
13 a Ryder rental or something box truck.

14 Q. You mean literally with an enclosed --

15 A. Yeah, enclosed box.

16 Q. How big was the box truck?

17 A. 16 feet.

18 Q. And we're talking the bed, right?

19 A. Yeah, the bed.

20 Q. How many drums were you able to put in there
21 on the times you went to Handy & Harman?

22 MS. FLAX: Objection to form.

23 MR. HARRIS: I'm sorry, the place in
24 Norristown.

25 THE WITNESS: Whatever we can get in a

1 memory and I'm going to test it by giving him ranges.
2 I've told him a million times not to guess, I'll
3 continue to tell him not to guess. But if there's a
4 range that he's comfortable with, I will absolutely ask
5 him if he knows that range and I will ask him until I
6 get a range from him or I get some other answer.

7 MS. FLAX: That's fine as long as you're
8 not putting words into the witness' mouth.

9 MR. HARRIS: I'm certainly not going to
10 do that.

11 BY MR. HARRIS:

12 Q. Let's go back to the box truck. Sitting
13 here today, do you remember how many drums you put into
14 that box truck from the facility near Norristown?

15 MS. FLAX: Objection to the form of the
16 question.

17 MR. HARRIS: What's wrong with that
18 question?

19 MS. FLAX: I'm not going to give an
20 explanation. It's an objection to the form.

21 MR. HARRIS: Well, then you just waived
22 it if you didn't give me a reason because I need a
23 chance to correct -- if there's something wrong with
24 the form, I want to know about it, other than you don't
25 like the question. "I don't like the question" is not

14 (Pages 50 to 53)